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State of Texas

FILED JAN 22 1997

By Hutton

H.J.R. No. 55

A JOINT RESOLUTION

1 proposing a constitutional amendment relating to a deadline for
2 supreme court action on a motion for rehearing.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 31, Article V, Texas Constitution, is
5 amended by adding Subsection (d) to read as follows:

6 (d) Notwithstanding Section 1, Article II, of this
7 constitution and any other provision of this constitution, if the
8 supreme court does not act on a motion for rehearing before the
9 180th day after the date on which the motion is filed, the motion
10 is denied.

11 SECTION 2. This proposed constitutional amendment shall be
12 submitted to the voters at an election to be held November 4, 1997.
13 The ballot shall be printed to provide for voting for or against
14 the proposition: "The constitutional amendment to establish a
15 deadline for supreme court action on a motion for rehearing."

HOUSE COMMITTEE REPORT

1st Printing

57 MAR -6 PM 7:22

HOUSE OF REPRESENTATIVES

By Dutton

H.J.R. No. 55

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15 deadline for supreme court action on a motion for rehearing."

COMMITTEE REPORT

The Honorable James E. "Pete" Laney
Speaker of the House of Representatives

March 5, 1997
(date)

Sir:

We, your COMMITTEE ON JUDICIAL AFFAIRS
to whom was referred H.J.R. 55 have had the same under consideration and beg to report
back with the recommendation that it

(X) do pass, without amendment.
() do pass, with amendment(s).
() do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

(X) yes () no A fiscal note was requested.
() yes (X) no A criminal justice policy impact statement was requested.
() yes (X) no An equalized educational funding impact statement was requested.
() yes (X) no An actuarial analysis was requested.
() yes (X) no A water development policy impact statement was requested.
() yes (X) no A tax equity note was requested.
() The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor _____

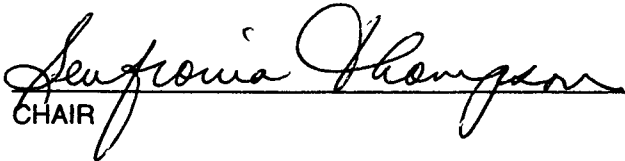
Joint Sponsors: _____ / _____ / _____

Co-Sponsors: _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Thompson, Chair	X			
Hartnett, Vice-chair	X			
Clark	X			
Crabb	X			
Garcia	X			
Luna	X			
Shields	X			
Solis	X			
Zbranek				X

Total 8 aye
 0 nay
 0 present, not voting
 1 absent


CHAIR

BILL ANALYSIS

JUDICIAL AFFAIRS

H.J.R. 55

By: Dutton

3-5-97

Committee Report (Unamended)

BACKGROUND

Presently a claimant may go to trial and have a judgement rendered. This judgment may be appealed to an appellate court and affirmed by the court. Application for writ of error can then be filed with the Supreme Court of Texas. This application can be accepted or denied. Upon denial, within the requisite 15 days of Rule 134 of the Texas Rules of Appellate Procedure, a motion for rehearing of the Court's denial of the application can be made.

Currently the law does not require the the Supreme Court to take action within a certain time frame on the motion for rehearing. The result has been that no action has been taken by the Court in some cases for more than two-and-a-half years.

PURPOSE

HJR 55 provides that if the Supreme Court does not act on a motion for rehearing before the 180th day after the date on which the motion is filed, the motion is denied.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency or institution.

SECTION BY SECTION ANALYSIS

SECTION 1 adds a new Subsection (d) to Section 31, Article V of the Texas Constitution to provide that if the supreme court does not act on a motion for rehearing before the 180th day after the date on which the motion is filed, the motion is denied.

SECTION 2. Ballot date. Ballot wording.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
75th Regular Session

March 2, 1997

To: Honorable Senfronia Thompson, Chair
Committee on Judicial Affairs
House
Austin, Texas

IN RE: House Joint Resolution
No. 55
By: Dutton

From: John Keel, Director

In response to your request for a Fiscal Note on HJR55 (Proposing a constitutional amendment relating to a deadline for supreme court action on a motion for rehearing.) this office has determined the following:

Biennial Net Impact to General Revenue Funds by HJR55-As Introduced

No fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$71,000.

No fiscal implication to units of local government is anticipated.

Source: Agencies: 212 Office of Court Administration

LBB Staff: JK, PE, JC

WITNESS LIST

HJR 55
HOUSE COMMITTEE REPORT
Judicial Affairs Committee

March 5, 1997 - 2:00P
For: Rep. Harold Dutton (self)

SUMMARY OF COMMITTEE ACTION

HJR 55

March 5, 1997 2:00PM
Considered in public hearing
Testimony taken in committee
Reported favorably without amendment(s)

HOUSE ENGROSSMENT

By Dutton

H.J.R. No. 55

A JOINT RESOLUTION

1 proposing a constitutional amendment relating to a deadline for
2 supreme court action on a motion for rehearing.

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6 (d) Notwithstanding Section 1, Article II, of this
7 constitution and any other provision of this constitution, if the
8 supreme court does not act on a motion for rehearing before the
9 180th day after the date on which the motion is filed, the motion
10 is denied.

11 SECTION 2. This proposed constitutional amendment shall be
12 submitted to the voters at an election to be held November 4, 1997.
13 The ballot shall be printed to provide for voting for or against
14 the proposition: "The constitutional amendment to establish a
15 deadline for supreme court action on a motion for rehearing."

1-1 By: Dutton (Senate Sponsor - Ellis) H.J.R. No. 55
1-2 (In the Senate - Received from the House April 17, 1997;
1-3 April 18, 1997, read first time and referred to Committee on
1-4 Jurisprudence; May 18, 1997, reported favorably by the following
1-5 vote: Yeas 7, Nays 0; May 18, 1997, sent to printer.)

1-6 HOUSE JOINT RESOLUTION

1-7 proposing a constitutional amendment relating to a deadline for
1-8 supreme court action on a motion for rehearing.

1-9 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 31, Article V, Texas Constitution, is
1-11 amended by adding Subsection (d) to read as follows:

1-12 (d) Notwithstanding Section 1, Article II, of this
1-13 constitution and any other provision of this constitution, if the
1-14 supreme court does not act on a motion for rehearing before the
1-15 180th day after the date on which the motion is filed, the motion
1-16 is denied.

1-17 SECTION 2. This proposed constitutional amendment shall be
1-18 submitted to the voters at an election to be held November 4, 1997.
1-19 The ballot shall be printed to provide for voting for or against
1-20 the proposition: "The constitutional amendment to establish a
1-21 deadline for supreme court action on a motion for rehearing."

1-22 * * * * *

**FAVORABLE
SENATE COMMITTEE REPORT ON**

SB SCR SJR SR HB HCR HJR 55

By ELLIS
(Author/Senate Sponsor)

MAY 18, 1997
(date)

We, your Committee on JURISPRUDENCE, to which was referred the attached measure, have on MAY 18, 1997, had the same under consideration and I am instructed to report it back with the recommendation (s) that it:

☒ do pass and be printed

☐ do pass and be ordered not printed

☐ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☒ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Rodney Ellis, Chair	<input checked="" type="checkbox"/>			
Senator Chris Harris, Vice-Chair	<input checked="" type="checkbox"/>			
Senator David Cain	<input checked="" type="checkbox"/>			
Senator Robert Duncan	<input checked="" type="checkbox"/>			
Senator Greg Luna	<input checked="" type="checkbox"/>			
Senator Steve Ogden	<input checked="" type="checkbox"/>			
Senator Jeff Wentworth	<input checked="" type="checkbox"/>			
TOTAL VOTES	7	0	0	0

COMMITTEE ACTION

☒ S260 Considered in public hearing
☒ S270 Testimony taken

Helen Gonzalez
COMMITTEE CLERK

Rodney Ellis
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill
Retain one copy of this form for Committee files

BILL ANALYSIS

Senate Research Center

H.J.R. 55
By: Dutton (Ellis)
Jurisprudence
5-17-97
Engrossed

DIGEST

Currently, a claimant may go to trial and have a judgment rendered. This judgment may be appealed to an appellate court and affirmed by the court. Application for writ of error can then be filed with the Supreme Court of Texas (court). This application can be accepted or denied. Upon denial, within the requisite of 15 days of Rule 134 of the Texas Rules of Appellate Procedure, a motion for rehearing of the court's denial of the application can be made. Current law does not require the court to take action within a certain time frame on the motion for rehearing. As a result no action has been taken by the court for more than two-and-a-half years. H.J.R. 55 would provide that if the court does not act on a motion for rehearing before the 180th day after the date on which the motion is filed, the motion is denied.

PURPOSE

As proposed, H.J.R. 55 requires the submission to the voters of a constitutional amendment relating to a deadline for supreme court action on a motion for rehearing.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 31, Article V, Texas Constitution, by adding Subsection (d), to provide that if the supreme court does not act on a motion for rehearing before the 180th day after the date on which the motion is filed, the motion is denied.

SECTION 2. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held November 4, 1997. Sets forth the required language for the ballot.

LEGISLATIVE BUDGET BOARD

Austin, Texas

**FISCAL NOTE
75th Regular Session**

May 17, 1997

To: Honorable Rodney Ellis, Chair
Committee on Jurisprudence
Senate
Austin, Texas

IN RE: House Joint Resolution
No. 55, As Engrossed
By: Dutton

From: John Keel, Director

In response to your request for a Fiscal Note on HJR55 (Proposing a constitutional amendment relating to a deadline for supreme court action on a motion for rehearing.) this office has determined the following:

Biennial Net Impact to General Revenue Funds by HJR55-As Engrossed

No fiscal implication to the State is anticipated, other than the cost of publication. The cost to the state for publication of the resolution is \$71,000.

No fiscal implication to units of local government is anticipated.

Source: Agencies: 212 Office of Court Administration

LBB Staff: JK, BB, JC

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
75th Regular Session

March 2, 1997

To: Honorable Senfronia Thompson, Chair
Committee on Judicial Affairs
House
Austin, Texas

IN RE: House Joint Resolution
No. 55
By: Dutton

From: John Keel, Director

In response to your request for a Fiscal Note on HJR55 (Proposing a constitutional amendment relating to a deadline for supreme court action on a motion for rehearing.) this office has determined the following:

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No fiscal implication to units of local government is anticipated.

Source: Agencies: 212 Office of Court Administration

LBB Staff: JK, PE, JC

ENROLLED

H.J.R. No. 55

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H.J.R. No. 55

President of the Senate

Speaker of the House

I certify that H.J.R. No. 55 was passed by the House on April 16, 1997, by the following vote: Yeas 145, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.J.R. No. 55 was passed by the Senate on May 21, 1997, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

RECEIVED: _____

Date

Secretary of State

President of the Senate

Speaker of the House

I certify that H.J.R. No. 55 was passed by the House on
(1)

April 16, 1997, by the following vote:
(2)

Yeas 145, Nays 0, 1 present, not voting
(3) (4)

Chief Clerk of the House

I certify that H.J.R. No. 55 was passed by the Senate on

May 21, 1997, by the following vote:
(5)

Yeas 30, Nays 0
(6) (7)

Secretary of the Senate

RECEIVED:

Date

Secretary of State

**** Preparation: CT23;

H.J.R. No.

55

By

[Signature]

Proposed amendment relating to the Judicial Branch of the Government

JAN 22 1997

Filed with the Chief Clerk

FEB 3 1997

Read first time and referred to Committee on

Judicial Affairs

MAR 5 1997

Reported favorably ~~(as amended)~~
(as substituted)

MAR 7 1997

Sent to Committee on Calendars

APR 16 1997

Read second time (~~amended~~) (~~amended~~) and adopted (~~as amended~~) by a
record vote of 145 yeas, 0 nays, 1 present, not voting

Read third time (amended) and finally adopted (failed of adoption) by a
record vote of _____ yeas, _____ nays, _____ present, not voting

APR 16 1997

Engrossed

APR 17 1997

Sent to Senate

Sharon Owens
CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

APR 17 1997

Received from the House

APR 17 1997

Read and referred to Committee on

JURISPRUDENCE

MAY 3 1997

Reported favorably

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

MAY 21 1997

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)

_____ yeas, _____ nays)

MAY 21 1997

Read second time, _____, and passed to third reading by (unanimous consent)

(a viva voce vote)

~~(30 yeas, 0 nays)~~

MAY 21 1997

Senate and Constitutional 3 Day Rules suspended by a vote of 30 yeas, 0 nays

MAY 21 1997

Read third time, _____, and passed by 30 yeas, 0 nays

5-21-97

Returned to the House

Betty King
SECRETARY OF THE SENATE

OTHER SENATE ACTION:

MAY 21 1997

Returned from the Senate ()

House concurred in Senate amendments by a (non-record vote)

(record vote of _____ yeas, _____ nays, _____ present, not voting)

House refused to concur in Senate amendments and requested the appointment of a conference committee by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

House conferees appointed: _____, Chair; _____,

Senate granted House request. Senate conferees appointed: _____, Chair;

Conference committee report adopted (rejected) by the House by a record vote of _____ yeas, _____ nays, _____ present, not voting

Conference committee report adopted (rejected) by the Senate by a record vote of _____ yeas, _____ nays

97MAR-6 PM 7:22

HOUSE OF REPRESENTATIVES